

unscrupulous merchant sold them, bankruptcies, fence disputes, etc.

An evaluation of class action suits by legal service attorneys was made by Harry Brill, now a professor at the University of Massachusetts and former director of the San Francisco Neighborhood Legal Assistance Foundation and placed in the Congressional Record on January 23 by Senator Tower.

I quote from that article:

What the Foundation has done poorly, unsuccessfully, or not at all must be tallied alongside its real accomplishments. And such an accounting unfortunately reveals that the effects of the Foundation's class action suits have been minimal or even harmful.

Unfortunately, a very large proportion of class action legal victories do not in fact lead to actual social and economic gains. Unlike individual cases, in which favorable legal decisions are readily translated into real gains, class action involves more difficult hurdles—often insurmountable ones. The Foundation won several paper victories in which court orders were ignored because of an inability to comply. For example, the Foundation obtained a favorable decision against the Welfare Department's low rent allotment to recipients. The court ruled that it must be increased to a more realistic figure. The Department, however, was unable to comply without receiving assurances of additional funds from the state legislature. Though the Foundation made legal headway, no concrete gains were achieved for the people on welfare.

Senator McClure put into the record of January 23rd the proceedings of the National Legal Services Colloquium held in Vail, Colorado. I was particularly interested in the recommendations which came out of that meeting with respect to group actions. I quote a portion of the advice given to legal services lawyers:

"Whenever possible, a Legal Services attorney should act on behalf of a client group rather than an individual client. This brings involvement of the poor; some education about the processes that control their lives and how to deal with them; provides a vehicle for resort to the news media; more credibility in dealing with legislators; and a mechanism for the involvement of groups made up of non-poor persons.

General community representation can be successful in some cases, especially if you happen to command instant attention from the press as in the case with Ralph Nader. Many of the bills that Legal Services lawyers will push are not, however, earth-shattering news stories. In such the news angle may initially be in the group and in its activities.

You can find other allies, preferably already organized in some form or another, wherever you can find some sort of similarity of interest, or parallelism, between the two in the particular legislation. (It would not be unheard of, either, to put in "sweeteners" desirable to other groups you wish to enlist.)

You ought to look to church groups; labor unions; women's clubs and groups, such as the League of Women Voters; partisan political groups; bar associations; university and law faculties; editorial writers; state executive agency officials concerned about the problem; close friends of a key legislator; and "allies of opportunity."

Mr. President, this is the type of thing we have been spending some \$70 million per year of the taxpayers' money to support and which the Committee bill would spend even more.

The cases of misuse of funds which Congress provided for legal services to the poor are legion.

In Los Angeles, the Western Center on Law and Poverty filed a suit against the California Youth Authority on behalf of thirteen employees who had been suspended or demoted. The suit was dismissed on the grounds that the clients' "incomes place them in the

middle or upper income brackets." But the Western Center argued that representation was proper because the clients had been turned down by three private attorneys.

In St. Louis, Governor William Hearnes vetoed a \$390,359 grant for the Legal Aid Society of St. Louis, "charging that the project had represented rent strikers in a public housing project, black militants involved in a church confrontation, and black students accused of mutilating an American flag." Investigation proved that a number of the clients were "clearly ineligible."

In New Orleans, the New Orleans Legal Assistance Corporation defended twelve members of the black militant National Committee to Combat Fascism when they were arrested after a two-day shoot-out with police. In Michigan, Upper Peninsula Legal Services turned out to have 25% of its caseload in criminal litigation contrary to the OEO statute.

Senator Mondale, in introducing his version of independent legal services corporation, referred to their current program:

"This program has done more than cope with the individual problems of individual clients. Recurring patterns of problems—affecting large numbers of the poor—have been discovered and effectively addressed.

"Broad social reform has resulted from legal services cases which:

"Eliminated welfare's "man-in-the-house" rule and residency requirement;

"Granted tenants in public and private housing substantial new rights in dealing with their housing problems;

"Obtained minimum justice for migrants and farm workers by reducing illegal border crossing and requiring enforcement of minimum wage legislation;

"Forced the Department of Agriculture to feed hungry people as the law requires."

These may be all laudable actions in the opinion of the Senator from Minnesota. I might agree with the Senator from Minnesota that some of these social reforms may be desirable, but I cannot agree that the Legal Service Corporation was the right vehicle to obtain them.

Mr. President, in conclusion, I urge approval of my amendment because it would establish the traditional lawyer-client relationship for legal service attorneys.

#### AMENDMENT NO 810

Mr. HELMS. Mr. President, I yield myself such time as I may need to call up my amendment at the desk No. 810 and to ask that it be stated.

The PRESIDING OFFICER (Mr. BARTLETT). The amendment will be stated.

The assistant legislative clerk read as follows:

Amendment intended to be proposed by Mr. HELMS to S. 2686, a bill to amend the Economic Opportunity Act of 1964 to provide for the transfer of the legal services program from the Office of Economic Opportunity to a Legal Services Corporation, and for other purposes, viz:

On page 14, strike out lines 5 through 7.

Mr. HELMS. Mr. President, if I have read the attitudes correctly of Senators on this floor today, I have heard declarations that no one is in favor of political lawyers financed by the taxpayers of this country.

#### EXTENSION OF TIME FOR REPORTING S. 1541

Mr. PERCY. Mr. President, will the Senator from North Carolina yield?

Mr. HELMS. I yield.

By unanimous consent that the previous

order of referral of S. 1541 to the Committee on Rules and Administration with instructions to report by February 1 be vacated.

I ask unanimous consent that S. 1541, the Federal act to control expenditures and to establish national priorities, otherwise known as the Budget Control Act, be referred to the Committee on Rules and Administration with instructions that the bill be reported to the Senate not later than February 25, 1974.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PERCY. Mr. President, this unanimous-consent agreement reflects an understanding with the distinguished Senator from West Virginia (Mr. ROBERT C. BYRD) who is chairman of the Subcommittee on the Standing Rules of the Senate of the Committee on Rules and Administration. It also reflects discussions with the ranking minority member of that subcommittee, the distinguished assistant minority leader, Senator GRIFFIN, and the chairman, Senator CANNON, and ranking minority member, Senator COOK, of the Committee on Rules and Administration. During these discussions, Chairman ERVIN and I have been assured that when S. 1541 is reported on February 25 it will be immediately scheduled for floor action.

This new unanimous-consent agreement has the effect of extending, by a period of 3 weeks, the time during which the Committee on Rules and Administration may complete its work on the budget control bill. S. 1541 was ordered reported by the Government Operations Committee on November 8. On November 28 the bill was formally reported with Senate Report No. 93-579. On November 30, 1973, the bill was referred to the Committee on Rules and Administration to report back by January 21, 1974. On December 7, 1973, the previous order was vacated and the bill was by unanimous consent referred to the Rules Committee until February 1, at which time it was automatically to be placed on the calendar.

Mr. President, I would like to commend the distinguished assistant majority leader, for the diligence with which the Subcommittee on Standing Rules of the Senate has undertaken its work on this very complex and important legislation. The staff of the Rules Committee began work on the bill in December, and continued immediately after the Christmas vacation with hearings on January 15. These hearings were preceded, and have been followed, by intensive work by the staffs of the Government Operations Committee, the Rules Committee, and other committees and joint committees of the Senate and the House which have an interest in this legislation. This group includes staff of the Finance Committee, the Appropriations Committee, seven authorizing committees, the Joint Economic Committee, the Joint Committee on Internal Revenue Taxation, the Joint Study Committee on Budget Control, and the House Appropriations Committee. To the credit of the Rules Committee, all committees of the Senate have been given full opportunity to comment on the bill. During the past week these staff

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representatives have met every day, usually all day, in an effort to agree on a bill. I have been kept informed daily of the progress of these exhaustive discussions. Underlying them is a determination on the part of all those committees and members represented that consensus will be reached and that differences about provisions of the bill will be resolved. Based on this understanding, and on evidence that an intensive effort is every day being made to report legislation which achieves the objective of budget reform, I do not hesitate to agree to an extension to February 25 of the date by which the Rules Committee will report the bill.

I want to express to the distinguished gentlemen from West Virginia, my appreciation for his interest in this bill. I know my appreciation is shared by the chairman of the committee. I have no doubt that it will be better legislation because of his interest. We are equally indebted to Senator CANNON, chairman of the Committee on Rules and Administration, Senator Cook, the ranking minority member, and Senator GRIFFIN, the ranking minority member of the Subcommittee on the Standing Rules of the Senate, for their assistance. I also want to express appreciation for the skillful leadership of the Rules Committee staff director, Mr. William Cochrane, and of Mr. Herbert Jasper who I understand has been doing a masterful job as chairman of the staff group that is working on this legislation. The counsel for the minority, Mr. Joseph O'Leary and Mr. Games Medill, have also been most helpful.

Mr. President, based on these reports, and upon my discussion with the leadership, I feel confident that the Rules Committee will report to the Senate on February 25 a better bill, a bill that preserves, and strengthens, the objectives of reform of the congressional budget process, and a bill that hopefully can be supported by all committees and Members of the Senate.

Mr. ROBERT C. BYRD. Mr. President, will the Senator from North Carolina yield?

Mr. HELMS. I yield.

Mr. ROBERT C. BYRD. Mr. President, I do not presume to speak for the chairman of the Committee on Rules and Administration, who is present on the floor, but I should like to say to the distinguished Senator from Illinois (Mr. Percy) that he has made an inadvertent oversight. I should like to call to his attention that in my discussions with him, I made clear that, with regard to my request for further time on this bill before reporting it back to the Senate, it was with the full concurrence of, and was after consultations with, the distinguished chairman of the Committee on Rules and Administration, the Senator from Nevada (Mr. CANNON). He is also a member of the Subcommittee on Rules and Administration.

The Senator from Illinois mentioned the distinguished assistant Republican leader, the Senator from Michigan (Mr. GRIFFIN), he mentioned me for which I am grateful, but I am sure the Senator from Illinois would want to include the

Senator from Nevada, the chairman of the Committee on Rules and Administration, who was fully conversant with everything that was done and was agreeable to the idea of a reasonably short further delay.

Mr. PERCY. If the Senator from North Carolina will yield to me further, let me say to the distinguished Senator from West Virginia (Mr. ROBERT C. BYRD) that the omission was entirely inadvertent. Certainly, the Senator from Nevada (Mr. CANNON) has been extremely cooperative and very helpful and I wish to commend him now, as I have on several other occasions, for the outstanding work of the Committee on Rules and Administration in improving the quality of the bill. We have appreciated that very much indeed.

Mr. ERVIN. Will my distinguished colleague from North Carolina yield to me for 30 seconds?

Mr. HELMS. I am glad to yield to my senior colleague.

Mr. ERVIN. Mr. President, I am pleased to concur in the unanimous-consent request by the distinguished Senator from Illinois (Mr. Percy) that S. 1541, the budget control bill, be referred to the Committee on Rules and Administration with instructions that the bill be reported to the Senate not later than February 25, 1974, and be automatically placed on the calendar at that time.

Members of the staff of the Committee on Rules and Administration are working diligently every day with staff members of the Government Operations Committee and the other committees and joint committees which have an interest in this important bill. This staff group has been led by Mr. Herbert Jasper, who is working under the outstanding direction of my fellow North Carolinian, William McWhorter Cochrane, the staff director of the Committee on Rules and Administration. I am assured that they are making excellent progress in resolving questions that various Senators have raised about S. 1541 as it was reported by the Committee on Government Operations.

This is a very complex bill that will have far-reaching effects on how the Senate and House of Representatives deal with authorization and appropriation measures in order to devise a congressional budget. The Government Operations Committee and its Subcommittee on Budgeting, Management, and Expenditures spent 10 months developing the bill in its present form, and I well understand the magnitude of the task facing the Committee on Rules and Administration in handling the bill in a short period of time.

Under the leadership of the chairman, Senator CANNON, and the distinguished assistant majority leader, Senator ROBERT C. BYRD, who serves as chairman of the Subcommittee on the Standing Rules of the Senate, the committee is making remarkable progress toward producing a strong bill that will satisfy an overwhelming majority of the Senate.

Mr. President, the 93d Congress can make no more important contribution to get a handle on the Federal budget.

For generations, we have operated under a haphazard system of dealing with Federal expenditures, revenues, and deficits, and we desperately need to devise a method of overall control of the budget. We can do this while maintaining the viable roles played by the existing committees of the Senate and House, and I know the Committee on Rules and Administration will perform this task during the month of February. It will be an essential step in redressing the constitutional balance of power between the executive and legislative departments of our Government.

Mr. CANNON. Mr. President, will the Senator from North Carolina yield to me for 30 seconds?

Mr. HELMS. I yield.

Mr. CANNON. Mr. President, I should like to say that it appeared at one point this bill would have gone through the Senate very hurriedly, without the adequate consideration and study it deserved. The distinguished Senator from West Virginia (Mr. ROBERT C. BYRD) has given it that study through the subcommittee and we have pointed out a lot of the deficiencies in the bill as it was presented. We are attempting to correct them and to write a bill that will achieve the desired result that all of us are interested in.

I asked initially for the extension of time that we first received to consider this matter, and I am happy that the proponents of the bill are willing to give us additional time so that the bill can be thoroughly reworked, so that it will achieve the desired result, with the help, I may say, of the proponents—and, really, I do not know that we have any opposition at all as long as we can work and get worked out a real, workable bill.

I thank the Senator for yielding me this time.

Mr. MAGNUSON. Mr. President, I wish that all Senators could spend the time, the long weeks and days, trying to arrive at a total budget figure that reflects fiscal responsibility. We on the Appropriations Committee do just that.

I dislike the implication that the Appropriations Committees of the Senate and the House have not done their job. In fact, we have cut the President's budgets by roughly \$26 billion since he first took office.

Furthermore, I do not subscribe to somebody coming in when someone has been doing a good job and saying, "You have been doing fine, but someone else should now take over."

I hope you consider these implications. Otherwise, you are going to lose some of us who are responsible.

Maybe you can hold hearings, if you wish, in the Appropriations Committee. Maybe you can spend 3 months with 500 witnesses and finally, after sweating it out, come to a conclusion. But what is the use if the final decision is referred to others.

Mr. PERCY. The distinguished Senator has left the implication that the Senator from Illinois has—

Mr. MAGNUSON. I do not mean the Senator from Illinois.

From the work of the Appropriations

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Committee. The Senator will recall that the Senator from Illinois served on the Appropriations Committee, and at no time has the Senator from Illinois ever said anything about the budgetary process when he did not quote from the joint committee and the report filed by the joint committee on which the following Members of the Senate Appropriations Committee served, Senators McCLELLAN, HRUSKA, STENNIS, PASTORE, BIBLE, YOUNG, and COTTON.

The Senator from Illinois did not even serve on that committee, but I have felt free to quote from that report; and I have never gone beyond the words of that report, which the distinguished Senator I just named signed, as the evidence that a budgetary committee and a budgetary process now is needed.

Furthermore, the most important changes we are proposing are to have back-door spending put under the control of the Appropriations Committee, because I was aghast to find that the Appropriations Committee did not control the budget as such. In fact, 56 percent of the budget does not even go through the appropriation process.

Mr. HELMS. Mr. President, I have the floor.

The PRESIDING OFFICER. The Senator from North Carolina has the floor.

Mr. MAGNUSON. I am glad to have the assurances that the Appropriations Committee is given a little consideration around here.

#### LEGAL SERVICES CORPORATION ACT

The Senate continued with the consideration of the bill (S. 2686) to amend the Economic Opportunity Act of 1964 to provide for the transfer of the legal services program from the Office of Economic Opportunity to a Legal Services Corporation, and for other purposes.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that I may yield 5 minutes of the 1 hour allotted to me under the cloture rule to the distinguished Senator from North Carolina, because I am sure that we have consumed that much of his time in discussing the budget reform bill.

The PRESIDING OFFICER. Is there objection?

Mr. JAVITS. Mr. President, reserving the right to object—and I will not object—I think it should be made clear to the Senate that we will object when it is just an arbitrary proposition.

The PRESIDING OFFICER. The Senator has a right to object or not object, but this is on the Senator's time.

Mr. JAVITS. I yield myself 30 seconds of my time to state that we will not object to these requests for changes where there is a reason for it, as there is here; but we reserve the right to object when it is just passing time around.

Mr. HELMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. That, of course, takes unanimous consent, and the Senator has that right.

The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, why does it require unanimous consent for the Senator from North Carolina to suggest the absence of a quorum?

The PRESIDING OFFICER. The Chair was addressing the Senator from New York.

Mr. ROBERT C. BYRD. I thank the Chair. I misunderstood.

The PRESIDING OFFICER. With respect to objecting to the transfers of time.

Mr. ROBERT C. BYRD. We had quite a long discussion earlier today on the point to which I thought the Chair was addressing itself.

The PRESIDING OFFICER. Does the Senator from North Carolina suggest the absence of a quorum?

Mr. HELMS. I do, Mr. President.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Mr. President, I ask unanimous consent that I may withdraw temporarily the amendment I just called up.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

Mr. HELMS. Mr. President, I yield to the Senator from Idaho.

Mr. MCCLURE. Mr. President, I ask unanimous consent that Margo Camille of my staff be accorded the privilege of the floor at all stages of the proceedings on the bill now pending.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### AMENDMENT NO. 958

Mr. BROCK. Mr. President, I call up my amendment 958.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 24, line 16, strike out "FINANCING" and insert in lieu thereof: "FINANCING AND APPOINTMENT".

On page 25, between lines 12 and 13, insert the following new subsection:

"(d) All funds appropriated pursuant to this section shall be apportioned among the States in amounts prorated according to the proportion of the Nation's poor residing in such States. The poverty definition shall be established by the Office of Management and Budget."

Mr. BROCK. Mr. President, this amendment should not raise the political hackles as did some of the other amendments. It states:

All funds appropriated pursuant to this section shall be apportioned among the States in amounts prorated according to the proportion of the Nation's poor residing in such States. The poverty definition shall be

established by the Office of Management and Budget.

The purpose of the amendment is obvious. It is rather simple and open on its face. The purpose is to guarantee that a poor person in Tennessee, Kansas, or Oklahoma has the same privilege as a poor person residing in another State. As the bill is now written more than 30 States are penalized. They range from the State of Texas, to the States of Tennessee, West Virginia, Ohio, Pennsylvania, Iowa, Kentucky, North Carolina, South Carolina, Mississippi, Alabama, Virginia, Indiana, Arkansas, Louisiana, New Mexico, Kansas, and other States.

Just to give an example, the State of Kentucky would be underfunded on a professional basis by more than \$1 million. North Carolina would be underfunded more than \$1.6 million. I do not think the amendment takes a great deal of conversation. It simply provides that every State should receive funds on the basis of those who are poor who reside in the State or in the affected area, regardless of where they live.

I urge the adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. HATHAWAY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. HATHAWAY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATHAWAY. Mr. President, while at first blush this amendment may appear to be effective or equitable in the distribution of funds, actually it is not, because in the first place there is not that much money allocated, and if we did divide it up in accordance with the formula of the Senator from Tennessee, probably no State would have a sufficient amount to do a creditable job.

Second, many States are not geared up to do much of anything with money they would receive from the Federal Government, while other States are so geared. This is especially true in view of the low amount that has been authorized and will be appropriated. We would be better advised to continue the present practice.

I assume the corporation is going to continue what Mr. Arnett already has established as the Director of OEO, and that is to distribute the money to those States which show the need and which are equipped to handle the program.

Mr. JAVITS. Mr. President, I yield myself 1 minute.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. JAVITS. Mr. President, the real problem with this amendment is that it cuts down the efficacy and the efficiency of the Legal Services program to the lowest common denominator because it has no reference